

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 7 February 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

Councillor P Byrne	Councillor P Campbell
Councillor C Enright	Councillor G Hanna
Councillor C King	Councillor M Larkin
Councillor D McAteer	Councillor S Murphy
Councillor M Rice	Councillor J Tinnelly

Officials in attendance: Mr J McGilly, Assistant Director of Regeneration
Mr Pat Rooney, Principal Planning Officer
Mr Peter Rooney, Head of Legal Administration
Ms A McAlarney, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Ms S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

**Officials in attendance
via Teams:** Councillor G Sharvin

P/010/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

The Chairperson advised that item 14 had been removed from the agenda.

P/011/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/012/2024: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

**Declarations of Interest in relation to Para.25 of Planning Committee Operating
Protocol – Members to be present for entire item.**

- Item 6 - LA07/2020/1651/F – Cllrs Byrne, Finnegan, Hanna, Larkin, McAteer, D Murphy, Rice and Tinnelly attended site visits on 24-01-2024.
- Item 7 – LA07/2023/2125/0 - Cllrs Byrne, Finnegan, Hanna, Larkin, McAteer, D Murphy, Rice and Tinnelly attended site visits on 24-01-2024.

MINUTES FOR CONFIRMATION

P/013/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 10 JANUARY 2024

Read: Minutes of Planning Committee Meeting held on Wednesday 10 January 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 January 2024 as a true and accurate record.

FOR DISCUSSION/DECISION

P/014/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 7 February 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor S Murphy, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 7 February 2024:

- **LA07/2022/1444/F** - 23 Main Street Camlough - New Public House
APPROVAL
- **LA07/2021/1427/O** – Site at and directly adjacent (North and West) to no. 24 Nursery Drive, Daisy Hill, Newry, BT35 - Site for housing development with new road access and associated site works
APPROVAL
- **LA07/2023/3447/F** - Lands East of the (A1) Belfast Dublin Dual Carriageway (Southbound) Off slip signposted towards Newry/Craigavon (A27) and Armagh (A28) at Newry. Lands are South of the Link Road connecting the (A27) Tandragee Road and (A28) Armagh Road, approx. 300m West of the Tandragee Road/Carnbane Road/Shepherds Way Roundabout, Newry - To Vary Condition No. 18 of planning permission LA07/2017/1182/F
APPROVAL
- **LA07/2018/1089/F** - South East of St Marys Primary School, Old Grand Jury Road, Saintfield Parks, Saintfield - Proposed Housing Development consisting of 16 units (6no. Detached and 12 no. semi-detached), landscaping proposals and associated site works. (amended description, site layout and sections)
APPROVAL
- **LA07/2022/1678** - 90m East of Modern Tyres and 140m NE of No. 3A Derryboy Road, Newry - site for one manufacturing and maintenance building
APPROVAL

DEVELOPMENT MANAGEMENT –

P/015/2024

PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2020/1651/F

Location:

75m north of 18 Ballinasack Road, Mullaghbawn, Newry BT35 9XT

Proposal:

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney presented a reminder of the application to date to Members outlining detail regarding previous applications on the same site. He detailed a site map, referenced the nearby properties and outlined the various reasons for the recommendation for refusal. He noted that Members had attended a site visit and that there was one objector to the application.

Speaking rights:

In Support:

Mr Colin O Callaghan referenced the 1-year commencement condition having been placed on the application previously and noted that other similar applications had been granted commencement conditions up to a five-year period. He highlighted that site access had been created, contrary to what was reported and stated the applicant was confident that works had begun within the required time frame, although he referenced that incorrect information had been shared from DOE with regard to works beginning on site. Mr O'Callaghan stated that the applicant was amenable to amending the application and had already stated they would reduce the site size by 3 metres.

Councillor Larkin queried if the site size was reduced, would the site become compliant with some of the policies it was judged against for a refusal. Mr Pat Rooney advised that while it could slightly reduce the visual impact, a reason for refusal was regarding the prominence within the area.

Councillor Murphy referenced a conflict of information shared regarding site lines and the detail around the site entrance. Mr Pat Rooney advised that the planning conditions required more than the provision of visibility splays, it required the provision of the full vehicular access to the site itself, while Mr O'Callaghan advised that the site access had been cleared but had overgrown again.

Councillor Byrne queried the history of the application, specifically regarding what had changed in regard to the 2019 legal advice that had been issued prior to the application being withdrawn, other than the house type. Mr O'Callaghan stated the planning permission that the applicant was reliant on was from 2008, not 2019.

Councillor Byrne requested legal advice and it was agreed to go into closed session to receive advice at this stage of the meeting.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor Byrne, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussions relating to LA072020/1651/F which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed the Committee come out of closed session.

Following the legal advice, Councillor Byrne proposed accepting the officer's recommendation for this application. The proposal was then put to a recorded vote at the request of Councillor McAteer, with voting as follows:

FOR: Councillors Byrne, Campbell, Enright, Hanna, King, Larkin, McAteer, D Murphy, S Murphy, Rice and Tinnelly

AGAINST: 0

ABSENT: Councillor Finnegan

The proposal was declared carried.

AGREED: On the proposal of Councillor Byrne, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of planning application LA07/2020/1651/F supporting officer recommendation as contained in the Case Officer Report.

(2) **LA07/2023/2125/O**

Location:

Lands adjacent and SW of No. 3 Tullydonnell Road, Silverbridge

Proposal:

Site for Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson noted that in line with Operating Protocol, no further speaking rights were permitted on this application, and requested questions from the Committee following the recent site visit.

Councillor Larkin queried the statement within the report that there was no development on site, but noted there was a housing estate nearby. Members discussed the usage of the policies that the application was judged against, with further queries to the agent about

detailing the site as a cluster. Mr O'Callaghan noted that it had been accepted that the focal point of the area was the play park, but stated that development had expanded out across the road, to include two sets of foundations and two houses across the road. This was felt to be a natural expansion of the cluster.

Councillor Byrne requested clarity in regard to weighting given to existing foundations when applying policies. Mr Pat Rooney advised that there was no evidence of the existing foundations having commenced within the timeframe of approvals, and the decision for a refusal did focus on that.

Councillor Hanna queried the definition of a cluster as per the policy that the application had been judged against, and a further discussion centred around this.

Following further discussions that focused on the nearby crossroads, play park and location of these in relation to the application site, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/2125/O contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

The meeting did then recess – 10.59am

The meeting did then resume – 11.10am

P/016/2024: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/0246/F

Location:

Lands approx. 160m SE of Clanmaghera Road, Tyrella, Downpatrick

Proposal:

3 eco-pods, ancillary car park and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Ms McAlarney presented her report regarding this application via power point, utilising site location maps, and an ariel view of the application site. She outlined the objections to the application and referenced the responses from statutory consultees. She outlined the

policies that the application was judged against and noted the lack of integration of the site and the subsequent impact on the rural character of the area.

Speaking rights:

In Objection:

Mr Monty Sneddon advised he was a representative of a number of local residents and wanted to put forth their arguments that supported the officer's recommendation for refusal for this application. He referenced the Newry, Mourne and Down District report of October 2020, which noted that unless absolutely necessary, developments should focus inland rather than at the coast. He further argued that the design of the application was out of line with the local character of the area, as evidenced by stunted growth of the saplings planted three years ago by the applicant. He referenced the hedgerow that the applicant proposed to remove and replace with a dry-stone wall and bollards which were also out of character of the area. He referred to the lack of on-site catering, and the impact this would have on nearby traffic and also noted the lack of clarity regarding the location of a septic tank on site within the application.

In Objection:

Councillor Sharvin reinforced the officer and objector comments, and noted the significant impact the application would have on the visual amenity of the area, and the lack of effort by the applicant to reduce the visual impact of the site. He urged the Committee to take into account the level of objection, and the potential impact that the lack of onsite management could have on local residents.

In support:

Mr Michael Clarke spoke on behalf of the applicants, arguing that the area was not undeveloped and unspoilt as outlined in the Officer's Report and noted a range of developments nearby. He advised that the pods would not be prominent within the landscape as they were half the size of a mobile home and would have a green roof to help integrate with the landscape. He stated that the pods were disabled user friendly and noted that this was something that was lacking within the local area.

Mr Clarke stated that the access road would not have an impact on the area as it would be access controlled and confirmed that the site was not designed for large groups of attendees but was targeted towards nature enthusiasts. He reiterated that no statutory consultees had raised any objections to the application.

Councillor Campbell queried the proximity of the pods to the nearby wetlands, how the applicant proposed to minimise impact on the area and requested clarification on the size of the proposed pods. Mr Clarke responded by advising that the pods were adjacent to the wetlands, but that this was due to the undulating landscape. He advised he did not have the exact dimensions of the pod available but that they would be no more than three meters high.

Councillor Hanna made reference to the number of studies that had been commissioned by the applicant, and further requested clarification on access to the beach and the decision to locate the pods in an area that was designated as an ASSI (Area of Special Scientific Interest). Further discussion then focused on the ASSI location, and access to the beach, with further clarity being sought in relation to the right of way access to the beach from the proposed site.

Following a query from Councillor Hanna regarding a change in the proposed type and size of pod altering the refusal recommendation, Ms McAlarney confirmed that the refusal was decided based on the ability of the site to accommodate future tourism.

At this stage, Councillor Hanna proposed a site visit, and this was seconded by Councillor McAteer.

Councillor Enright queried the applicant's statement regarding their site being used to enhance an ASSI, and how bringing people and cars here would enhance this site. He further queried the impact of the lack of on-site catering on road usage.

Mr Clarke responded that they wished to raise awareness of the area, and noted the application included a buffer between the proposed pods and existing wetlands.

Following a query from Councillor McAteer regarding the length of the site, and if there was a plan for expansion for further pods, Mr Clarke responded that there had been minimal communication with the planning department, and noted the applicant was amenable to making required changes. He further noted that the length of the site was due to the layout of the land, with its natural contours and the pods were located far away from the road to allow for natural screening from the ground.

Councillor Byrne queried the definition of high-quality tourism as per the policy and in regard to 3 pods in a small location, and further queried the visibility of the site with regard to existing and proposed vegetation.

Ms McAlarney noted that the policy referenced the ability of a site to accommodate the proposals, and the planning department believed that this one could not. She further noted that the site was on an open roadside field, with no natural screening for the pods.

Mr Clarke argued that the site was parallel to the road and screened by existing vegetation.

Councillor Byrne further requested clarification on the screening of the pods, but noted there was no evidence forthcoming regarding this.

Councillor D Murphy then queried what other facilities existed within the area of Tyrella beach, such as holiday homes or caravan parks. It was noted that there were more facilities coming to the area, but currently there was one self-catering location, and one Air B&B. He asked Mr Sneddon if there was any flexibility within the local residents' group regarding the application and noted that tourism was a part of the Council's strategy.

Mr Sneddon clarified that the residents already had problems accessing and exiting their own premises due to car parking issues, and stressed the importance of visitor consideration for locals.

Mr Clarke advised that Tourism NI was supportive of this application.

Following the discussions, the proposal by Councillor Hanna, seconded by Councillor McAteer for a site visit was put to a vote by a show of hands and voting was as follows.

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to defer planning application LA07/2022/0246/F to allow for a site visit.

(3) LA07/2022/1712/O

Location:

Lands between 51 and 53 Dundrinne Road, Castlewellan

Proposal:

2no. infill dwellings and garages

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney presented the officer's report, including images of a site layout and the proposed access route. She referenced the 7 objections and noted that no objections were raised from statutory consultees. She stated there was a condition that DFI had placed on the application, in regard to the widening of the access lane to the property. She outlined the other aspects of the application, and noted they were acceptable to the Planning Department, but that the land ownership of the laneway was a reason for the recommendation for refusal.

Speaking rights:

In Support:

Mr Declan Rooney utilised a power point presentation to outline the site relating to the application. He noted that the land ownership regarding the laneway was a civil matter, and Council could issue an approval with a condition that this laneway be resolved prior to authorising any works to commence. He stated that DFI Roads had recommended using an alternate access to the site, which was already compliant with legislation, but was advised by the Planning Department that this would require a whole new application, rather than amendment to the existing one.

Councillor Rice requested clarification from Mr Rooney regarding a preference for access to the site. A discussion then ensued regarding amendments to applications, and when these were possible. Ms McAlarney advised that the red line of an application could be amended for necessary visibility splays, however, to amend the position of an access point on a new road would require a new application.

Following a query from Councillor Hanna regarding who received notifications regarding this application and why other locals did not, Ms McAlarney advised Members that the Planning Department followed legislation in regard to advertising and notifying relevant parties about this application, and if the change in access was granted then the Planning Department would have to carry out neighbour notifications to the relevant parties affected by the amendment.

A further discussion then centred around whether to impose a negative condition to this application in relation to the lane widening, or to accept an amendment and revert back to the notification stage. Councillor Byrne stated he believed the Planning Department should accept the amendment and continue with the relevant notifications, rather than insist on a new application, given the difficulty with the backlog of applications that currently exists within the Planning Department.

Following these discussions, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR: 11
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna it was agreed to defer planning application LA07/2022/1712/O to allow the applicant to amend the access route as outlined on the application.

FOR DECISION

P/017/2024 **PUBLIC CONSULTATION ON THE REVIEW OF THE PLANNING (DEVELOPMENT MANAGEMENT) REGULATIONS (NORTHERN IRELAND) 2015**

Read: Correspondence dated 11 December 2023 from DFI regarding a public consultation on proposals to review The Development Management Regulations. **(Copy circulated)**

AGREED: On the proposal of Councillor Byrne, seconded by Councillor Campbell, it was agreed to note the correspondence.

FOR NOTING

P/018/2024 **LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST**

Read: Communication from the Department of Communities regarding the listing of several special architectural building and historical sites. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to note the list as approved.

P/019/2024 **HISTORIC ACTION SHEET**

Read: Historic action sheet for agreement **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor McAteer, seconded by Councillor Byrne, to note the historic action sheet.

There being no further business the meeting ended at 1:00pm

Signed: _____ Chairperson

Signed: _____ Chief Executive